

STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION

The Department of Transportation of the State of  
Illinois, for and on behalf of the People of the State  
of Illinois,

Petitioner,

vs.

Union Pacific Railroad Company,

Respondent,

T00-0109

Petition for approval of the taking or damaging of  
certain properties in Macoupin County owned by  
a rail carrier by exercising the right of eminent  
domain. Parcel Number 6179122TE.

ORDER

By the Commission:

On November 21, 2000, the Department of Transportation of the State of Illinois ("Petitioner") filed the above referenced Petition with the Illinois Commerce Commission ("Commission") naming as Respondent Union Pacific Railroad Company ("UP") to approve the taking of certain property in Macoupin County, Illinois, by exercising the power of eminent domain (Parcel 6179122TE).

Pursuant to notice as required by law and by the rules and regulations of the Commission, this matter came on for hearing on January 23, 2001, before a duly authorized Hearing Examiner of the Commission at the Commission's offices in Springfield, Illinois. Appearances were entered on behalf of Petitioner, Respondent and by a staff member of the Railroad Section of the Transportation Division of the Commission ("Staff"). Evidence was taken and the case was marked "Heard and Taken."

Laura Rakers, Condemnation Acquisition Engineer for Petitioner, testified that Petitioner seeks a temporary easement as to the property described in Appendix "A" attached hereto. The temporary easement is needed as part of an improvement of Illinois Route 108 from a point just west of McCasland Avenue to the Union Pacific Railroad in Carlinville, Macoupin County, Illinois, which is under the control and jurisdiction of Petitioner. The improvement is approximately one-half mile in length and includes widening, resurfacing, construction of bidirectional left turn lanes, installing some signals and improving radius. The temporary easement is needed for the safety and convenience of the traveling public. The funds for the acquisition of the property for this project have been allocated and approved. No agreement has been reached by the

parties as to compensation for the parcel which necessitates that Petitioner be given approval by the Commission to exercise its power of eminent domain with regard to acquiring the easement in the parcel legally described in Appendix "A" attached hereto.

The Commission, after a review of the entire record, finds that:

- (1) the Commission has jurisdiction of the subject matter hereof and the parties hereto;
- (2) the recitals of fact set forth in the prefatory portion of this order are supported by the evidence of record and are hereby adopted as findings of fact;
- (3) Petitioner seeks to acquire a temporary easement in Parcel 6179122TE legally described in Appendix "A" attached hereto presently owned by UP, for an improvement of Illinois Route 108 in Macoupin County, Illinois, to better serve the traveling public and to enhance the public safety and convenience;
- (4) Petitioner presented evidence as to the ownership by UP of the property and concerning the efforts made to obtain the easement;
- (5) the evidence shows that construction can be carried out without any substantial interference with UP's conduct of its rail carrier operations;
- (6) the desired property interest is reasonably necessary for the proposed project;
- (7) the requested temporary easement should be granted.

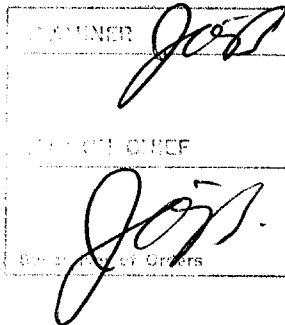
IT IS THEREFORE ORDERED that the approval of the Commission be, and the same is hereby, granted to the Department of Transportation of the State of Illinois, for the purpose of exercising its power of eminent domain with regard to acquiring a temporary easement as to Parcel No. 6179122TE, legally described in Appendix "A" attached hereto, for the lesser of three(3) years from the date of acquisition of the temporary easement or the date of completion of the project.

IT IS FURTHER ORDERED that, subject to Sections 18c-2201 and 18c-2206 of the Law, this is a final decision subject to the Administrative Review Law.

By Order of the Commission this 21<sup>st</sup> day of March, 2001.

*Richard P. Mathias*<sup>3</sup>

Chairman



FA Route 765 (IL Rte. 108)  
Section 109X (W-2,RS-2)  
Job No. R-96-017-99  
Macoupin County  
Rt. Sta. 20+862.806 to  
Sta. 20+880.000  
Parcel No. 6179122TE

A part of the Northeast Quarter of the Southeast Quarter of Section 29, Township 10 North, Range 7 West of the Third Principal Meridian, Macoupin County, Illinois, described as follows:

Beginning at the northeast corner of Lot 1 in Block 1 of Woodlawn Subdivision to the City of Carlinville being 8.342 meters [27.37 feet] right of Station 20+866.115 on the centerline of survey for FA Route 765 (IL Rte. 108); thence along assumed bearings North 89 degrees 16 minutes 11 seconds East 13.885 meters [45.55 feet] along the southerly existing right of way line for FA Route 765 (IL Rte. 108); thence South 38 degrees 55 minutes 07 seconds West 12.548 meters [41.17 feet]; thence North 69 degrees 26 minutes 23 seconds West 9.865 meters [32.37 feet] to the east line of said Lot 1; thence North 27 degrees 51 minutes 13 seconds East 6.924 meters [22.72 feet] along the east line of said Lot 1 to the Point of Beginning, containing 101.0 square meters, more or less [containing 1,087 square feet, more or less].